

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                            |                             |
|----------------------------|-----------------------------|
| In re Application of:      | ) Examiner: Thanh T. Nguyen |
|                            | )                           |
| David L.Gilmour, et al.    | ) Art Unit: 2444            |
|                            | )                           |
| Application No. 09/703,189 | ) Confirmation No: 2756     |
|                            | )                           |
| Filed: October 31, 2001    | )                           |
|                            | )                           |
| For: METHOD AND SYSTEM FOR | )                           |
| ADDRESSING A               | )                           |
| COMMUNICATION FOR          | )                           |
| TRANSMISSION OVER A        | )                           |
| NETWORK BASED ON THE       | )                           |
| CONTENT THEREOF            | )                           |
|                            | )                           |

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF TO SUPPLEMENTAL ANSWER**

In response to the Supplemental Examiner's Answer mailed December 4, 2009,  
Appellant respectfully requests consideration of the following remarks.

---

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this document is being submitted via EFS-WEB  
on: February 4, 2010  
Assistant: /Carla Anysia Nascimento/  
Carla Anysia Nascimento

## REMARKS

The Appellant wishes to thank the Examiner for the courtesy of the telephone conversation on February 4, 2010 in which the Examiner clarified the difference between the Examiner's Answer mailed February 6, 2007 ("Answer") and the Supplemental Answer mailed December 4, 2009. As discussed in the telephone conversation, the Supplemental Answer is in response to Applicant's amended Appeal filed on August 31, 2009. The Examiner agreed there were no substantive changes regarding the Examiner's arguments between the Answer and the Supplemental Answer.

Appellant is filing this reply to respond to the Examiner's statements made in these Answers. In particular, Appellant is responding to only to the Examiner's response in the "Response to Arguments" section on p. 11-12 of the Answer.

Appellant's independent claim 1 recites:

1. A method of addressing a communication for transmission over a network, the method including:

accessing a descriptive profile of a potential recipient of the communication;

**identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient; and**

**presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient,** the suggested recipient being presented in conjunction with an indication of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient. (Emphasis added).

(Claim 1). The Appellant respectfully submits that in the Answer and Supplemental Answer, the Examiner failed to respond to Appellant's detailed arguments regarding Herz' inability to anticipate each and every element of Appellant's claim 1. Instead the Examiner simply maintains in these Answers that Herz anticipates claim 1.

As discussed in Appellant's Appeal Brief (Appeal Brief, p. 5-6), Herz relates to a system that automatically identifies objects (e.g., information or other people) that a user may be interested in or that the user may find "desirable." To accomplish this, the system

of Herz automatically constructs two types of profiles: “target profiles” and “target profile interest summaries.” A target profile is built for each “target object” to describe that object. A “target object” is information (e.g., news or advertising) or a person that a user might find desirable. A “target profile interest summary” is generated for each user, to summarize the types of target objects in which the particular user is interested. The system then evaluates the various target profiles against the users’ target profile interest summaries to generate a user-customized ranked list of target objects most likely to be of interest to each user. Each user is then allowed to select from the list of target objects. See Herz abstract and col. 5, lines 7-20.

Furthermore, Herz discloses building virtual communities by clustering common interests found in user’s profiles (Herz, Col. 75, lines 25-56). For each virtual community, an email is sent out to invite users identified by clustering of common interests (Herz, Col. 76, lines 25-32). The email informs each recipient of the virtual community and gives instructions on how to join that community (Herz, Col. 76, lines 32-37).

Appellant respectfully submits that Herz does not teach or suggest “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient” as claimed. The Examiner asserts that Herz’ “target object” reads on Appellant’s “recipient” (see Advisory Action mailed 11/17/2006, continuation sheet). Herz discloses that identifying a target object based on a correlation between the target object profile and a user’s target interest profile summary (Herz, Col. 5, lines 14-18). A user’s target profile summary “describes the user’s interest level in various target objects” (Herz, Col. 5, lines 14-18). If a recipient is the target object as asserted by the Examiner, then a user’s profile describes the interest level for that recipient. Thus, Herz discloses identifying a recipient based on the recipient’s profile and a user’s profile that describes the interest level for that recipient. Therefore, because Herz discloses identifying a recipient based on the user’s profile and not a communication for that recipient, Herz cannot teach or suggest “identifying the potential recipient ... based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient” as claimed.

Furthermore, Appellant respectfully submits that Herz does not teach or suggest “presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient” as claimed. In light of the Examiner read on Appellant’s “recipient”, one section cited by the Examiner in support of the Examiner’s rejection merely discloses identifying recipients based on correlations between the recipient’s profile and a user’s profile that describes the interest level for that recipient. The other cited section discloses building virtual communities and sending emails to targeted recipients on how to join the virtual community. Neither section discloses “presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient” as claimed.

The arguments presented above are based on the Examiner’s read of Herz’ target object as Appellant’s “recipient.” Appellant has present other arguments based on alternative reads of Herz in the Appeal Brief that assert that these alternative reads of Herz do not teach or suggest each and every element of Appellant’s claim 1 (See Appeal Brief, p. 6-8).

## **SUMMARY**

Claims 1-28 are currently pending. In view of the foregoing and remarks, Appellant respectfully submits that the pending claims are in condition for allowance. Appellant respectfully requests the Board to remove the Examiner's objection and allow the pending claims.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP



Eric S. Replogle  
Registration No. 52,161

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300

Dated: February 4, 2010